

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3684 OF 2006

Krishnaji Anant Modak & Ors.

..Petitioners.

Vs.

Smt. Sugandha Madhukar Shetty

..Respondent.

....

Ms. Swati Gautam for the Petitioners.

CORAM: DR. D.Y. CHANDRACHUD, J.

3rd July, 2006.

P.C. :

By an order dated 10th September, 2003 the Small Causes Court directed the Petitioners, the original defendants to the suit, to give 15 days notice as provided, under Section 14 of the Maharashtra Rent Control Act to the plaintiff landlord before carrying out further work of repair in the suit premises. Such a notice was in fact given. The landlord then moved for the grant of an interim injunction which was granted by the Trial Court on 8th July, 2004. The order of the Trial Court has been affirmed by the Appellate Bench of the Small Causes Court on 9th November, 2005. The Appellate Bench has prima facie at the interlocutory stage found substance in the contention of the original plaintiff that

the Petitioners have materially altered the identity of the suit premises. The order of injunction that has been confirmed restrains the Petitioners, the original defendants from carrying out any further construction work in the suit premises. The Appellate Court having furnished reasons for sustaining the order of injunction, the interference of this Court under Article 227 in a purely interlocutory order is not warranted. However, should any tenantable repairs become necessary in respect of the suit premises in view of the condition of the premises, it is needless to add that it would be open to the original defendants to move the Trial Judge for necessary directions. The Petition is dismissed.